

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Kaoru INOUE, et al. : Confirmation Number: 3628
Application No.: 10/562,438 :
Filed: December 28, 2005 : Examiner: LEWIS, BEN
For: NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY

REQUEST FOR REFUND

Mail Stop Request for Refund
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A refund in the amount of \$1,440.00 is hereby requested in the above-identified application for the following reasons:

On June 16, 2008, Applicants were required to file a Notice of Appeal and third month extension of time in order to keep the application alive and to avoid abandonment.

On several occasions, including May 14, 2008, the undersigned was informed by Examiner Lewis that the application was allowed and we should receive a notice of allowance soon. The PTO PAIR status as of May 16, 2008, was "Document Verification."

On June 5, 2008, the undersigned spoke with Supervisory Examiner Ryan, and he confirmed the case was allowed and would investigate why the Notice of Allowance was not mailed yet.

The application was allowed in response to the Amendment Under 37 CFR § 1.116 filed

on April 14, 2008 in response to the final Office Action mailed December 14, 2007. The Notice of Allowance was mailed to attorneys for Applicants on July 15, 2008, after the six (6) month due date for responding to the Final Office action of December 14, 2007 had expired. As the entire delay in mailing the Notice of Allowance was the fault of the United States Patent and Trademark Office, Applicants respectfully request that the Notice of Appeal and extension of time fees be refunded.

Please immediately credit Deposit Account number 500417 in these amounts:

\$510.00 Notice of Appeal fee charged June 16, 2008 (Control Number 16127)

\$930.00 Extension of Time fee charged June 16, 2008 (Control Number 16126)

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

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**Please recognize our Customer No. 20277
as our correspondence address.**